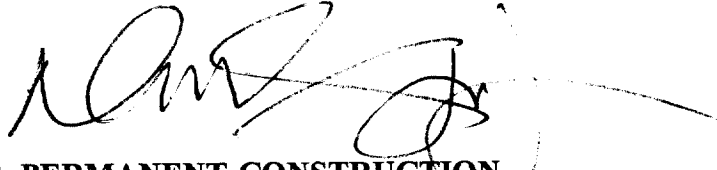


**ORDINANCE BY
COUNCILMEMBER DERRICK BOAZMAN**



AUTHORIZING THE MAYOR TO GRANT A PERMANENT CONSTRUCTION AND MAINTENANCE AND SEWER EASEMENT TO THE KNIGHT GROUP FOR THE PURPOSE OF UPGRADING THE OUTFALL SEWER LINE ON THEIR PROPERTY TO REDUCE SEWAGE OVERFLOW AND MASSIVE AMOUNTS OF GROUND WATER INFILTRATION LOCATED IN LAND LOTS 8, 35, 62, 63 AND 67 OF THE 12TH DISTRICT, FULTON COUNTY, GEORGIA AT THE CITY'S EMPIRE PARK; THE KNIGHT GROUP WILL PAY ALL COSTS ASSOCIATED WITH THIS INSTALLATION, CONSTRUCTION AND MAINTENANCE SERVICES REQUIRED FOR THIS SEWER EASEMENT REQUEST ON BEHALF OF THE DEPARTMENT OF PARKS, RECREATION AND CULTURAL AFFAIRS; AND FOR OTHER PURPOSES.

Whereas, The Knight Group has requested to assist their proposed development, a permanent construction and maintenance and sewer easement in the City's Empire Park, located in Land Lots 8, 35, 62, 63 and 67 of the 12th District of Fulton County, Georgia, for the purpose of upgrading the outfall sewer line on their property to reduce sewage overflow and massive amounts of ground water infiltration and once the upgrade has been completed it is their plan to sewer their project through a manhole located in the City's Empire Park in southwest Atlanta; and

Whereas, The Knight Group is currently working on a development project in Hapeville off of Browns Mill Road and Empire Boulevard, called Monticello, which includes 27 single family and 371 town home dwellings with an amenity center; and

Whereas, The Knight Group will be paying for the costs of the construction and maintenance and sewer easement at no cost to the City of Atlanta; and

Whereas, The Knight Group is requesting this permanent construction and maintenance and sewer easement to accomplish the tasks identified above, because, no easement exist which would give them access to the manhole inside Empire Park; and

Whereas, a permanent construction and maintenance and sewer easement is required to facilitate the required improvements within this proposed project, located in Land Lots 8, 35, 62, 63 and 67 of the 12th District of Fulton County, Georgia.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA,
as follows:

Section 1: That the Mayor be and is hereby authorized to grant a permanent construction and maintenance and sewer easement to The Knight Group, for the purpose of upgrading the outfall sewer line on their property to reduce sewage overflow and massive amounts

of ground water infiltration, located in Land Lots 8, 35, 62, 63 and 67 of the 12th District, Fulton County, Georgia, on behalf of the Department of Parks, Recreation and Cultural Affairs.

Section 2: That the Commissioner of the Department of Parks, Recreation and Cultural Affairs acting as the Mayor's designee, is authorized to review and approve the terms and conditions of the permanent construction and maintenance and sewer easement as described and delineated in the easement package, attached hereto, as Exhibit "A", and made a part hereof by reference.

Section 3: That The Knight Group will be responsible for the payment of all costs associated with this permanent construction and maintenance and sewer easement, at no cost to the City of Atlanta.

Section 4: That the City Attorney is hereby directed to review and approve the terms and conditions of the permanent construction and maintenance and sewer easement prior to execution by the Mayor.

Section 5: That all Ordinances and parts of Ordinances in conflict herewith be and the same hereby are repealed.



Rec'd in MSO - Feb. 16, 2004
Development • Homes • Neighborhoods • Realty

February 3, 2004

Mr. Derrick Boazman
CITY OF ATLANTA
55 Trinity Avenue S.W.
Atlanta, GA 30303

Dear Mr. Boazman:

My company, The Knight Group, Inc., is currently working on a development in Hapeville off of Browns Mill Road and Empire Boulevard, called Monticello. Monticello includes 27 single family and 371 town home dwellings with an amenity center. I am not sure if you recall the development, however, you were instrumental in the rezoning of the project and we are thankful for your past support.

At present, we are working with the City to obtain a Land Disturbance Permit and are a few weeks away from completing the process. We are also in the process of upgrading the outfall sewer line on our property to reduce sewage overflow and massive amounts of ground water infiltration. Once we complete the upgrade, it is our plan to sewer our project through a manhole located in Empire Park.

Presently, no easement exists which would give us access to the manhole inside the park, therefore, we need to obtain an approval of the easement from the City Council. We are respectfully requesting your assistance in obtaining this approval and would ask that you would introduce the proposed easement in the upcoming City Council meeting. You will find attached an exhibit outlining the easement we are proposing.

In closing, we again thank you for assistance with this project. We understand you are busy and we appreciate you taking the time to consider our request. I will follow up with your office to gain any feedback you may have or requests for additional information.

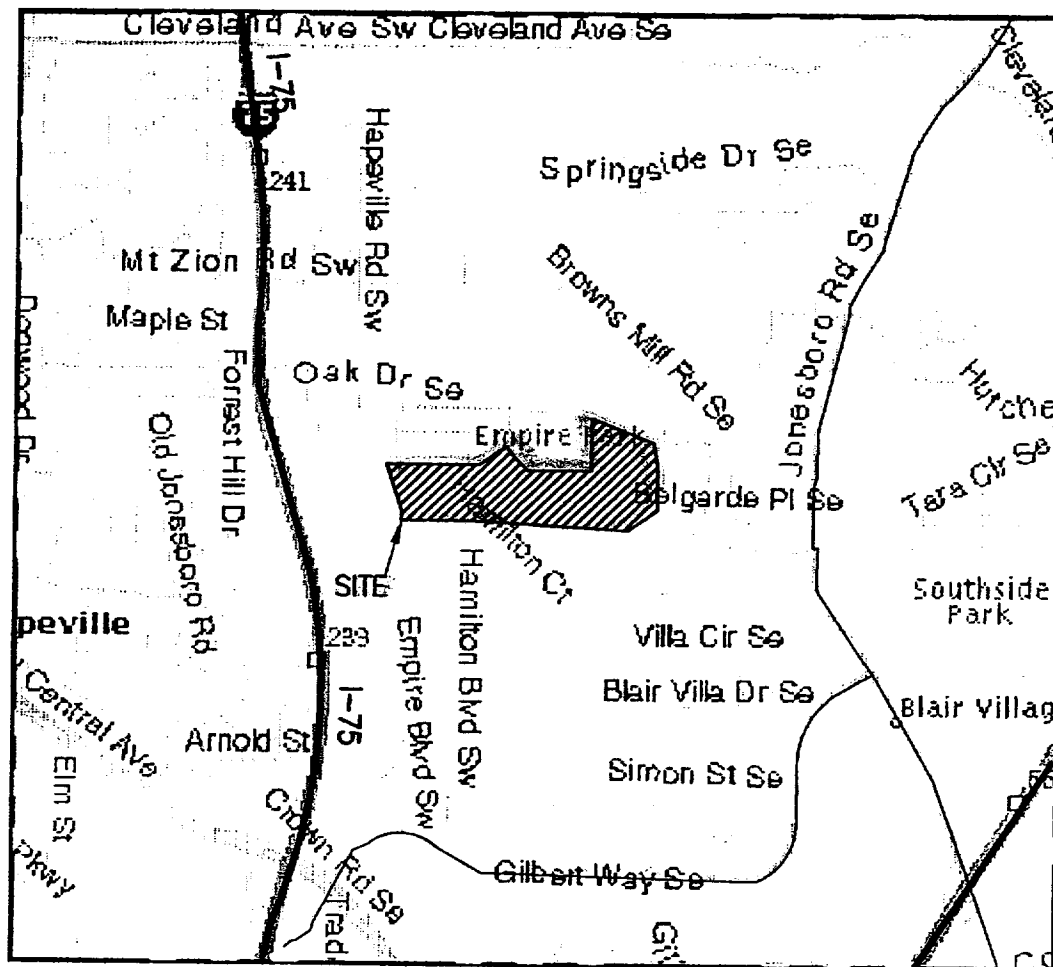
Sincerely,

R. Neil Koelbl
Land Development Manager

/rnk

cc: Jay Lowery, Department of Parks and Recreation

Enclosure



VICINITY MAP 1" = 1600' +/-

LOCATED IN
LAND LOTS 8, 35, 62, 63, & 67
CITY OF ATLANTA, FULTON COUNTY, GEORGIA



MONTICELLO PARK
CITY OF ATLANTA, GEORGIA
FIGURE 1



REFERENCE: BOUNDARY SURVEY PREPARED BY
PBS&J, DATED APRIL 28, 2003.

